

DOCKETED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THE MAGNAVOX COMPANY, a
Corporation, and SANDERS
ASSOCIATES, INC., a
Corporation,

Plaintiffs,

v.

BALLY MANUFACTURING
CORPORATION, a Corporation,
et al.,

Defendants.

Civil Action No. 74 C 1030

DEFENDANT SEEBURG'S SUPPLEMENTAL ANSWERS
TO PLAINTIFFS' INTERROGATORIES NOS. 1-50

For a supplemental answer to certain of the above
numbered interrogatories, defendant Seeburg says:

Interrogatory No. 19

19. Referring to paragraph 38 of defendant Seeburg's
counterclaim, which states as follows:

"At a time prior to the filing of the
complaint in this action Seeburg Corp. was
in the business of manufacturing and selling
coin operated games using cathode ray tubes
for the display of symbols representing game
objects such as balls, hockey pucks, paddles,
rackets, hockey sticks and the like, and
shipped such games to various customers
throughout the United States and in foreign
countries."

Identify all coin operated games using cathode ray tubes for
the display of symbols representing game objects manufactured
or sold by defendant Seeburg prior to the filing of the com-
plaint in this action against defendant Seeburg.

SUPPLEMENTAL ANSWER:

Seeburg or its distributing companies have sold or offered for sale the following devices which employ cathode ray tubes: Atari Pong, Williams Paddle Ball, Volley, Tennis Tourney, Ramtec TV Hockey, Olympic Tennis, Club Tennis, Atari Gotcha, Williams Pro-Hockey, Computer TV Hockey, Spike It, United Sportarama, Rally, Atari Double Pong, Atari Quadripong, Atari Space Race, Atari Rebound, Amutronic TV Pong, Amutronic TV Hockey, PMC Table Tennis, Atari Gran Trac 10, Olympic Hockey, Midway Winner, Midway Asteroid, PMC Wham Bam, Midway Playtime, and Midway Leader.

Interrogatory No. 20

20. (a) Identify by type or model number each item, device, apparatus, manufacture, or equipment employing a cathode ray tube or a television receiver as an integral part thereof designed, assembled, produced, manufactured, imported, sold, or offered for sale by defendants;

(b) Identify by type or model number each item, device, apparatus, manufacture, or equipment designed or intended to operate with a cathode ray tube or a television receiver or operable with a cathode ray tube or a television receiver assembled, produced, manufactured, designed, imported, sold, or offered for sale by defendants; and

(c) Describe each item, device, apparatus, manufacture, or equipment (hereinafter collectively referred to as "models") identified in subparagraphs (a) and (b) above including generally the function, operation and major components of each.

SUPPLEMENTAL ANSWER:

(a) See supplemental answer to Interrogatory 19.

(b) See supplemental answer to Interrogatory 19.

(c) The games sold by Seeburg but manufactured by other companies are generally disclosed in the advertising documents which were produced by defendant Seeburg. Seeburg does not have information of the type requested in this interrogatory as to other manufacturers and machines except to the extent such information is contained in the documents which have been produced.

Interrogatory No. 21

21. Identify all documents including, but not limited to, instruction manuals, service sheets, circuit diagrams or schematics, trade catalogs and the like, promotional materials, market surveys, market reports, customer surveys, mechanical drawings, sketches, engineering specifications and reports, design specifications, test specifications, test reports, design memoranda and procurement specifications relating to the structure, operation, performance and marketability of each of the models identified in response to interrogatory 20.

SUPPLEMENTAL ANSWER:

The documents to be identified by this interrogatory have been produced for inspection and copying by counsel for the plaintiffs.

Interrogatory No. 22

22. Have any of the models identified in response to interrogatory 20 been manufactured and/or supplied in whole or in part by persons other than defendants? If so, identify:

(a) Each such manufacturer and/or supplier and the models identified in response to interrogatory 20 which each such manufacturer and/or supplier manufactures or supplies; and

(b) Specify the portion of each such model manufactured or supplied by each manufacturer or supplier.

SUPPLEMENTAL ANSWER:

Yes.

(a) The manufacturer and/or supplier of the models have been given in the supplemental answer to Interrogatory 19 and are identified in the documents produced for inspection.

(b) With respect to models identified in the supplemental answer to Interrogatory 19, the models were manufactured or supplied in their entirety to Seeburg or its distributing companies by the indicated manufacturer or supplier.

Interrogatory No. 23

23. With respect to each of the manufacturers and/or suppliers identified in response to interrogatory 22, identify:

(a) All documents, communications, and documents relating to communications between defendants and each such supplier and/or manufacturer in any way relating to Letters Patent 3,659,284 or 3,659,285; and

(b) All documents, communications, and documents relating to communications received or written by defendants, including, but not limited to, communications between defendants and each such manufacturer and/or supplier, relating to the construction, manufacture, sale and/or distribution of models identified in connection with the answer to interrogatory 20 and the avoidance of the subject matter claimed in either of said patents.

SUPPLEMENTAL ANSWER:

(a) Seeburg has conducted a further search relative to the subject matter of Interrogatory No. 23 and for a supplemental answer states that other documents relating to this interrogatory do not exist.

(b) There are no such documents.

Interrogatory No. 24

24. Identify all documents, communications, and documents relating to communications between defendants and any manufacturer, wholesaler, distributor, dealer or importer in connection with or relating to disputes, dispute settlements, agreements, disagreements, contract negotiation, licensing or any other controversy or controversy settlement in respect to infringement of, or encroachment upon, any rights in any way related to the models identified in connection with the answer to interrogatory 20.

SUPPLEMENTAL ANSWER:

As of the filing date of this lawsuit, no such documents exist.

STATE OF ILLINOIS)
) SS.
COUNTY OF C O O K)

I, Melvin M. Goldenberg, being duly sworn, do hereby state that the foregoing Supplemental Answers to Plaintiffs' Interrogatories Nos. 1-50 are provided by me on the basis of my personal knowledge and my information and belief based on information communicated to me by employees of Seeburg.

Melvin M. Goldenberg
Melvin M. Goldenberg

Subscribed and sworn to before me this 4th day
of March, 1975.

Louise J. Donley
Notary Public